

Department of Public Health  
and Human Services

Section:  
CASE MANAGEMENT

TANF CASH ASSISTANCE

Subject:  
WoRC Sanction Review  
Process/Good Cause

**Supersedes:** TANF 702-2 (07/01/07);

**References:** ARM 37.78.102, .216, .506 and .508; Deficit Reduction Act of 2005;



**GENERAL RULE**--Before recommendation for a sanction as a result of non-compliance with WoRC, the WoRC Case Manager should attempt to contact the participant (i.e., by phone or letter) and inquire as to the reasons for non-compliance. If the attempt to contact the participant is not successful, the sanction review process is initiated.

If the attempt to contact the participant is successful and the participant indicates they have good cause for non-compliance, the participant must be informed of their responsibility to provide information and verification of the good cause to the WoRC Case Manager within ten days. If the participant fails to provide the information and verification within ten days, the sanction review process is initiated.

**ACCEPT AND  
MAINTAIN  
EMPLOYMENT**

Because 'MAE' (accept and maintain employment) is a mandatory activity, a TANF participant can be sanctioned for failure to accept or maintain employment, without good cause (TANF 1509-1).

If the participant reports the loss of employment to the WoRC Program, the WoRC Case Manager should follow the process outlined in the General Rule prior to recommending sanction. If sanction is recommended, the sanction review process must be followed.

If the participant reports the loss of employment to the Eligibility Case Manager, the Eligibility Case Manager will send an X009 notice requesting information regarding the loss of employment and good cause. If the participant does not respond to the notice or does respond but does not have good cause, the sanction review process is initiated.

**LOSS OF  
CONTACT**

A WoRC Case Manager should not recommend sanction if they have conclusive evidence that the participant has moved (e.g., landlord states the participant has moved.) In these situations, the WoRC Case Manager should notify the Eligibility Case Manager of the change and share the verification with the Eligibility Case Manager. The Eligibility Case Manager would send appropriate closure notice and document TEAMS Case Notes (CANO).

## ► SANCTION REVIEW PROCESS

The Sanction Review Process begins with the WoRC Case Manager. The WoRC Case Manager completes Parts I, and II of the HCS-766, "Sanction Recommendation" stating the specifics of the non-compliance that triggered the sanction recommendation.

The HCS-766 "Sanction Recommendation" form must be submitted to the OPA **anytime a participant is out of compliance** and the attempt to contact the participant is unsuccessful or the participant does not have good cause for non-compliance. (See General Rule). **The form must be submitted even if the TANF case is closed.**

The HCS-766 and all supporting documentation are submitted to the OPA by fax, as an attachment to an email or by hand delivery. The date the Sanction Recommendation form is received and date-stamped in the OPA is the date of the "sanction recommendation."

► **NOTE:** At the time the HCS-766 "Sanction Recommendation" form is submitted to the OPA, the WoRC Case Manager will enter an 'N' in the comply field next to the activity that the participant did not complete. This triggers an alert to the Eligibility Case Manager that a sanction has been recommended.

► Once the OPA receives the sanction recommendation form, the Sanction Review Committee must meet within three (3) working days to determine whether or not the sanction is appropriate.

## ► SANCTION REVIEW COMMITTEE

A Sanction Review Committee must be established in every county/region. The Sanction Review Committee must include someone from the OPA and should include the primary WoRC Case Manager.

The Committee will:

1. Assess the circumstances.
2. Indicate the decision to proceed with the sanction action or make further attempts to reconcile the situation, if process steps were missed.

**NOTE:** If the review indicates further action by the Case Manager is required, the Committee will identify the action and inform the WoRC Case Manager. The sanction action will be postponed until the WoRC Case Manager completes the action. If after completing further action, the issues are resolved, the

Section: CASE MANAGEMENT

Subject: WoRC Sanction Review  
Process/Good Cause

Review Committee will proceed to step 3. All actions must be documented in TEAMS Case Notes (CANO).

3. Complete Parts III, and IV of HCS-766 (including signatures of all the committee members).

If the Sanction Review Committee determines the sanction is appropriate, the Eligibility Case Manager will:

1. Enter the sanction on TEAMS (TANF 702-3);
2. Send appropriate TEAMS notice; and

**NOTE:** The determination of which notice is appropriate will depend in part on whether or not the sanctioned individual is a 'work-eligible' individual and required to negotiate a Family Investment Agreement/Employability.

**NOTE:** If the case is currently open and receiving TANF cash assistance, timely notice of the sanction must be sent. If the case is currently closed, adequate notice of the sanction is appropriate. (TANF 702-3)

**NOTE:** The TEAMS notice informs the participant that they have 10 days to provide and verify good cause for not completing or verifying the negotiated activities. If good cause is not verified by the participant, the sanction will remain imposed. (TANF 702-3)

3. Document action taken in TEAMS case notes (CANO).

► **SANCTION  
REVIEW FORM**

At least ten days after the action taken on the case send the completed HCS-766 to central office (Attn: Linda Snedigar) regardless of the committee's decision. Waiting the 10-days but no more than 30 days, allows time for the participant to present good cause reasons.

► **GOOD CAUSE**

If at any time prior to the start of the penalty period the individual provides and verifies good cause for not completing activities or providing verification of participation in activities, the sanction can be lifted. (TANF 702-3)

If good cause is provided after the penalty period has started, it will be evaluated on a case by case basis.

Section: CASE MANAGEMENT

Subject: WoRC Sanction Review  
Process/Good Cause

If the participant contacts (either verbally or in writing) either the Eligibility or WoRC Case Manager to provide reasons for good cause, the Sanction Review Committee must review the circumstances causing the failure to comply and evaluate for good cause (TANF 1509-1).

Good cause can be provided in the form of doctor's statements, medical bill, police report, employer statement, etc. In order to provide good cause, the participant does not have to and cannot be required to meet with either the WoRC or Eligibility Case Manager.

Due to situational variables and the "gray" areas of case management, the participant's reason(s) may not meet any of the 'good cause' criteria. The Sanction Review Committee must then consider other possibilities on a case by case basis.

## GOOD CAUSE PROCEDURE

### Responsibility

### ACTION

- |                                |   |
|--------------------------------|---|
| ► Participant:                 | 1. Contact either the Eligibility or WoRC Case Manager to provide and verify good cause reasons for not complying with negotiated activities.   |
| Eligibility/WoRC Case Manager: | 2. Complete section V of the HCS-766 stating the participant's good cause reasons. Present the information <u>and verification</u> of the good cause to the Sanction Review Committee.  |
| Review Committee:              | 3. If good cause is approved, request that an Eligibility Supervisor <u>lift</u> the sanction. (TANF 702-3) A new employability plan must be negotiated.  |
| ► Eligibility Case Manager:    | 4. Supplement or restore benefits if good cause approved. Send notice to the participant of the good cause approval.  |
|                                | 5. If good cause is denied, send notice informing the household that good cause has been denied. If this is the first sanction, and the individual is a 'work-eligible' individual, the participant will need to contact the Eligibility Case Manager to negotiate a Family Investment Agreement/WoRC Employability Plan ( <u>FIA/EP</u> ) for the penalty month, in order to receive the decreased amount of TANF benefits. If the participant fails to negotiate a FIA/EP for the penalty month, the case is closed for failing an eligibility requirement. |
| ►                              | If the participant is not a 'work-eligible' individual, the participant will need to negotiate a FIA/EP for the month after the penalty month to  |

Section: CASE MANAGEMENT

Subject: WoRC Sanction Review  
Process/Good Cause

allow the household to receive further TANF cash assistance benefits.

6. Send the HCS-766 along with any other supporting documentation to central office (Attn: Linda Snedigar).

DB

ΦΦΦ

DRAFT